P. F. 38 of 96.

G. R. S. IX-5]

Previous references. 1874-95

~~192~~

(L. R.)

File o. 104 of 94

Serial Nos. 1 to 7

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 7

~~Part~~ B for January 1877.

SUBJECT.

Appeal of Shama Rao of Chamarajanagar regarding the sale of some lands in Dollipur Chamarajanagar Taluk.

WD 2238—GPE—20,000—14-6-26

Indexed

Gen. Serial No. 32.]

1895

(1)

Submitted & Council
In time
Stamp sufficient

2/1/25-2

No. 2087

Name of Petitioner. Sham Rao
and 3 Ors.

Village. Channarayapatna

Taluk. Do

District. Mysore

Date of Appl. 16. 2. 95

Date of Receipt. 18. 2. 95

Date of Disposal.

No. of Enclosures.

Call for records
Urgent
1/3/95

Date
20/4/95

Returned
16/4/95

L.R. 104-14-1

ABSTRACT.

Petitioners appeal against the order of the Deputy Commr Mysore of 4. 12. 94, cancelling the sale of S. No 4 in the village of ~~Dod~~ Dodlapur Channarayapatna Taluk.

[The other appellants against the grounds of appeal are in English]

Ref
96

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 203
dated 16-2-95 received at the
Dewan's Office from Venkata Rao
& Anr, Channapatna
Dist. appealing
against the Dy. Commr's
sanctioning the sale of S. No 4
in the village of Kallipura
Channapatna Taluk
is forwarded, together with its one
enclosure, to the Deputy Commr
Mysore District for
submission of the enter
proceedings connecte
with the case together
with a report as to the fac
of the case for the pur
urged in the Petition

2 The Petition & enclosu
be returned)

By Order,

Draft
Communication

15/3

Chief Secretary.

BANGALORE,
13-3-1895

20

S.R. 104-94-2

14/3.

15/3

M.G.C.P.B.—19-2-95—1,000.

enclosed
20/3/95.

189[illegible]

14485
29 APR. 95.
Pet 587

Nod. to Revenue Counsel & hist. Officer & the rules on Petn. Cap. 2 2794

From

The Deputy Commissioner,
Mysore District.

To

Govt

The Chief Secretary to the Govt of Mysore.

3

L.O. 104-94-3

Dated 26 April 95
Despatched
Received

Enclosures No. 3 Papers; 2 File Nos; 2 Petitions with its one enclosure

No. 1186

Reports on the petition of Channa Rao & others appealing against the order cancelling the sale of Survey No. 4 in Dalitana, Channarayapatna Taluk

Call for the information on the following points

(1). Was the investigation of fraud is Chenkeramma formerly enquired into & if so with what result

(2). What notice was taken of Chenkeramma's conduct - & was the Asst's conduct in allowing such important matters to be dealt with by his subordinate without his knowledge duly considered & censured

(3). What has become of the land & what is its present condition

(4). Have the Petrs incurred any outlay in improving the land & what is the value of such improvement or the amount of the outlay. Have the Petrs remained in undisturbed possession of the land since [illegible]

Pets
29.4.95

Papers sent for. Pets 2nd 94 of 94. Asst Comr to give his explanation. The must have been subsequent to June Petitioners have proved to be right. Asst Comr's conduct reprehensible

No.

Enclosures No.

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore 25th April 1895.

(3)

From A Rangasamy Iyengar Avl
Deputy Commissioner,
Mysore District.

To Government.
The Chief Secretary to the ~~Dewan~~ of Mysore.
Bangalore

SIR.

With reference to your Cir Pet dated 13th March 1895, 1296, I have the honor to submit herewith the entire Proceedings with an English Precis on the facts connected with the appeal petition of Sham Row, and others of Chamarajanagar, in re the cancellation of the Sale of land No 4, of Dollipur Village, Chamarajanagar taluk.

The petition, and enclosure, received with the above, are herewith returned.

I have the honor to be
Sir
Your most obedient Servant.

Rangasamy
for Dy Commissioner.
Mysore Dated

Compared
Tilly.

5

Precis of correspondence of the sale of land No: 4, in Dollipur village (Ramnajanagar Taluk).

The following persons have applied by Darakhasto to the (Ramnagar Taluk) Amildar, requesting that the several portions of land in No: 4, of Anadi Pomporambu (uncultivated Government waste), situated at Dollipur, Ramanahalli Hobli, might be granted to them for cultivation.

Name of Darakhastdar	Date of Darakhast	No: of land	Lots out of No:
Ambli Ramabhatta	24.5.93	No: 4	1, 2, 3.
Ramajetty	22.6.93	"	3,
Shama Rau and Subramanya Char	1.7.93	"	4, 5.
Nanjundayyah	12.7.93	"	6,
Narasayyah	— Do: —	"	7.
Subbayyah	— Do: —	"	8,
Yeraganballi Ramayyah	30.7.93	Do: 6½ the	one land in mile stone and other in 7¾ mile stone of Hangala-wadi Nala.

The Amildar, submitted all the above

above Darakhast except the last viz: that of Veragambadi — Ramayya, to the Second general Assistant Commissioner, for orders, with his report Nos. 19 and 82, dated 12th July, and 15th August 1893, reporting stating therein, that there were some valuable trees growing on the lands &c., As Ramayya had included in his Darakhast, lands situated in two different villages, his Darkhast was first referred to the Kasba Shirastdar, and then transferred to Haradanahalli Circle Shirastdar, for report, as regards the lands under dispute, in Dollipur village.

The Second general Assistant Commissioner, issued orders to the Amildar, instructing him to sell the lands applied for, by public auction, vide order Nos. 130 & 131, dated 23rd August, 1893.

A proclamation was issued on 26. 8. 93, notifying that the Several Lots of Nos: 4 at Dollipur, would be Sold by public auction on 30. 9. 93. and due publicity was given to the above notification on 28. 8. 93.

The Sale was conducted by the Shirastdar of Harddana Circle Kasba, on 30. 9. 93, and the lands were knocked down to the following persons for the prices mentioned

mentioned against their names.

Highest bidder	No.	Lot	Area in Kanis	Assessment according to Kaniya rate	Amount realised by Sale
				Rs. a. p.	Rs. a. p.
Ramabhatta	No. 1	1, 2, 9	2 - 3 - 12 1/4	14 - 12 - 8	19 - 12 - 0
Subramanyachar	Do.	4	0 - 7 - 7 1/4	2 - 3 - 7	7 - 4 - 0
Ramaiya	Do.	3	0 - 6 - 13 1/2	2 - 0 - 9	12 - 0 - 0 +1
Shama Rau	Do.	5	0 - 7 - 7 1/4	2 - 3 - 7	7 - 8 - 0
Nanjundaiah	Do.	6	0 - 3 - 6 1/2	1 - 0 - 10	4 - 2 - 0
Narasappa	Do.	7	0 - 3 - 6 1/2	1 - 0 - 10	4 - 8 - 0
Siddaiah	Do.	8	0 - 3 - 6 1/2	1 - 0 - 10	4 - 4 - 0
					[illegible]

The Shaikdar sent in his report of sale on 4-10-93, and the Amildar remarked on it on 9-10-93, that the Sale amount was too low, and that a fresh sale must be held by the Sheristadar.

The Sheristadar wishes to of issuing a fresh proclamation, with Sufficient notice of the Second Sale, reissued the first proclamation, with a foot note, on 11. 10. 93, stating that the lands would be resold in his presence on 15-10-93.

The Shaikdar received it only on the 14th idem, and returned it at the time of Sale, having published it only in 2 villages, viz: Chikkamole and Bucchayyanachatra, but not in Naradanahalli, which is the Kesba

Kasba of the Kobli, or in Chan-
-Rajanagen which is the Kasba
of the Taluk, the residents of which
were the principal Darakhastdars.

On the following day i.e on
15-10-93, the Sheristadar conducted
the Sale, but no higher bids were
received except for the lot no: 4,
for which the former bidder
Subramanya Chan, offered an incre-
ase of Rupee one, and the same
individual bid Rs 4-8-0 or 6 as
more for lot no: 6.

The confirmation by the
Amildar, of the Sale, was secured
within 3 days after it, i.e on the 18
idem. and Sagawali Chits were
issued on the same day.

On 30. 10. 93, Veragambalu
Ramayya, complained to the
Deputy Commissioner, that he
was not favoured with a report
from the Taluk Amildar, to his
Darakhast for lands situated in
6½ and 7¾ milestones of Nangala
vadi Nala, that he was informed
that the same lands were subsequently
sold by auction at low bids, without
even giving notice to him although
he was a Darakhastdar, that the
amount realized by the Sale was
very small, seeing that an adjoining
land fallinginferior to the one in ques-
tion fetched more than 250 Rs by

the

the sale, and requested that the lands might be resold.

9

He further presented a series of petitions to the Second General Assistant Commissioner, and to the Amildar, on the marginally noted dates, praying for the cancellation of the said sale, and the holding of a fresh one.

31·10·93
2-11-93
6·11·93
20·11·93.

On 16·11·93, one Chenchadrasekharayya, requested the Amildar, to cancel the above sale, and hold a fresh one, as the above lands had been sold without due publicity, and as an adjoining land covering an area of 2 acres, has fetched more than Rs 200/. whereas by the present sale of about 12 Khandies of land, only a sum of less than 70 Rs was realized.

He further requested that the said lands might be resold to him for an upset price of 200 Rupees.

He further presented a petition to the Deputy Commissioner, complaining against the sale of the above mentioned lands on 18·11·93.

Yeraguntala Ramayya's petition to the Deputy Commissioner, was received in the Taluk on the 14th of November, and the Amildar, after calling for the records, served notices to the purchasers, on 25-11-93, to await final orders of higher authorities regarding the sale.

Shanna Row and the other three

purchasers petitioned the Second General Assistant Commissioner on 26.11.92, and 19.12.93, complaining against the Amildar about these notices.

The Amildar, reported in his no. 372, dated 1st January, 1894, to the Second General Assistant Commissioner, that his Gumasta Channakesavayya, did not bring to his notice the Darakhast of Y. Ramayya, and others, before the above Sale was conducted, that he did not even inform Gumasta Narayana Rao, of these Darakhasts, when he handed over the records of the holi to him, that Channakesavayya had himself a Share it would appear in the Lands purchased by the above persons, that he took the Amildars initials to the order of confirmation, along with some other papers that were lying undisposed of when he (the Amildar) was quite unaware of the above facts, as he had just then returned from leave, and that the above case, was from the beginning to the end, open to Suspicion.

The Second General Assistant Commissioner, in Submitting a memo No. 104, dated 10.1.94 for the orders of the Deputy Commissioner, States, that he inspected the Land in question, during the Jamabandi of the Taluk, that it was Situated under a Nala possessing all the advantages of wet cultivation, that the purchasers had spent

Spent not more than Rs 40 for cutting trees, and rendering the land fit for cultivation, that the Sale had been improperly conducted, as the date of Sale etc had not been duly notified, as seen from the records, that it was true that a neighbouring land had fetched about 600 Rs by the Sale, that the Sale ought to have been duly confirmed by the Deputy Commissioner, (vide para 25, of Rule XX, Land Revenue Code) as the land was Amsali Banjar, and that as the above Sale was irregular in all respects, it might be set aside and a fresh one ordered.

The Deputy Commissioner, Cancelled the above Sale, with the remarks that the Sale was held and confirmed by Amildar, contrary to the provisions of para's 22, 25 of Land Revenue Code, and that the Sagunali (lists granted by him, should be regarded as temporary, till the annual jamabandi settlement, and directed that the lands might be resold under the Amildar's immediate Superintendence, after due notice to all the parties concerned (vide Deputy Commissioner's docket No. 1271, dt 2.2.94, to the Second General assistant Commissioner.

The parties to the Sale petitioned the Deputy Commissioner, praying for a revision of the order, setting aside the Sale. After carefully hearing their representations, an endorsement

for disposal, until the Channel improvements are completed. The following endorsements were issued to the applicants.

13

In reply to their petition, Willoughby Lobo, Shama Row, Subramanya Ther, Rama Bhatta, and Ramaputty, are informed that the 2nd Sale was held on 15th October, 1893, and was confirmed on the 18th of the same month, 3 days after Sale, by the Amildar, while under Rule 25, of the Revenue Code it is beyond his jurisdiction, and an interval of 3 days after Sale was necessary. This confirmation is thus illegal, and the Sagavali thus issued there under is invalid. Rule 29, does not therefore apply to this Case.

2. It is only a Sale, confirmed according to rules that cannot be disturbed but not such as is in direct violation of them.

3 The reasoning that the Sale cannot be cancelled without a duly instituted Suit, does not apply to the present case, vide para 1 above.

4. Petitioners have in collusion with some Taluk Officials, had tried to defraud government, and deserve no consideration. The Sale proceeds will of course be refunded

refunded as the sales have been cancelled. The purchasers have obtained wrongful possession of the lands and have proceeded to cut down trees in undue haste to strengthen their case and can claim no compensation.

5. The Sub Division Officer called for information from the amildar, on 13th November, 93, on the application of G. Ramaiah, within a month after so called confirmation, and some of Sagarali Chibs, so that if rules 26 and 27, of the Revenue code are applied to this case the registration of the purchasers was also irregular and contrary to rules.

6. When the second sale was ordered, the usual notice of 30 days ought to have been given on the analogy of sales for arrears of land Revenue, and the sale cannot be adjourned for more than 3 days vide para 3 of rule ~~XII~~

7. The merits of Ramiah's complaint are immaterial, and need not be considered.

8. The decision quoted in para 11, of the petition, is unfavourable to the petitioners. In consideration of the irregularity of the sale the Government fixed a price for the trees to be recovered from the purchasers, thus altering the conditions of sale. There was no fraud alleged

in English (as below), was given to them, in which all the grounds taken by the petitioners have been answered.

They have not advanced any fresh argument in their appeal to Government.

At the time of the Survey Settlement of the Taluk, which took place in December last, Mr. Amblay Anniah Pandit, applied to the Survey Superintendent, for giving out the whole of the Survey Nos in question for coffee cultivation, on the same terms as those under which lands were granted to Mr Morris. The Survey Superintendent, ordered in the P. Pattika, that the Nos may be divided into small blocks & disposed of according to Darakhast rules. As the land applied for is below Hangilawadi Nala, the Executive Engineer, was asked, whether the land could be properly supplied with water from the Channel.

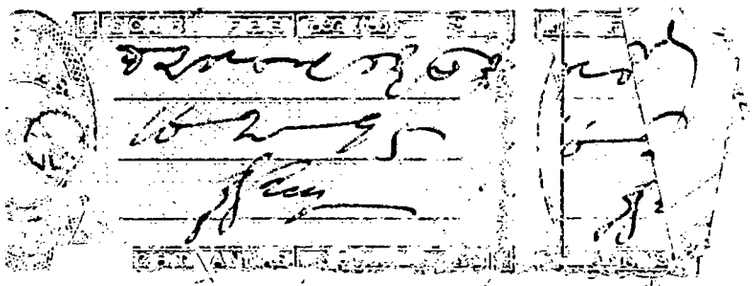
The Executive Engineer, said that the present supply of water in the Hangilawadi Nala, was barely sufficient for the lands already under wet cultivation, and that there were complaints of short supply and that the extent of the land which may be converted into wet, out of the Kharab no now applied for, will have to be determined after necessary repairs and improvements to the Nala are executed. The Deputy Commissioner, accordingly postponed the parcelling out of the lands into small blocks

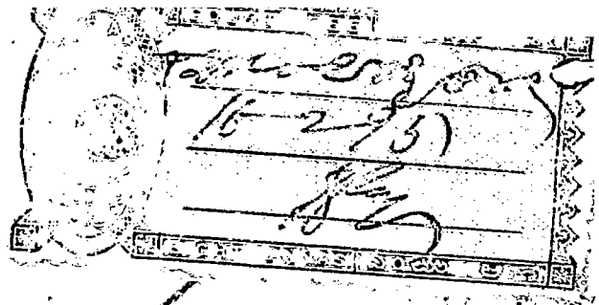
for

15

alleged in that case while the circumstances of the present case point to dishonesty and fraud on the part of all concerned, the petitioners are not thereby entitled to any consideration and no valid reasons exist for revising the order setting aside the sale.

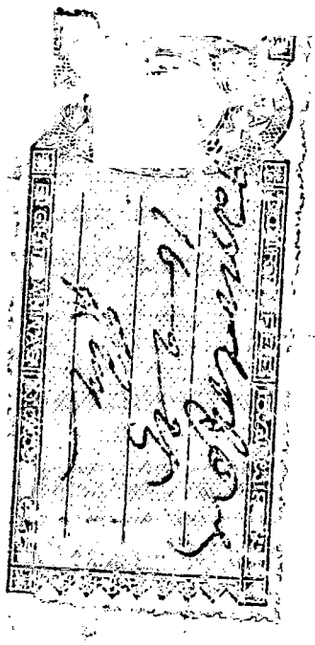
Advocate
for Objectors





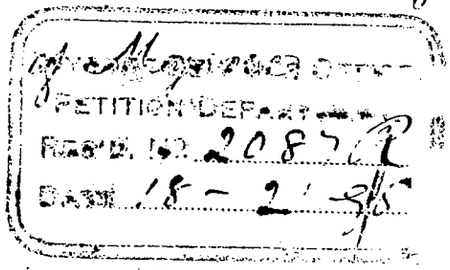
Six Rupee Stamps affd

Before the Council to H. H. The Maharaja



2087

16



Petitioners

1 Shanna Rao
2 Subrahmanyaya char
3 Rama bhatta
4 Ramajetty

} Residents of Chamaraja Nagar.

A. No. 115 of 1894

The petitioners beg to appeal against the order of the Deputy Commissioner Mysore District No. 123 by 4th December 1894 setting aside the sale of the petitioners darkast lands No. 4 situated in the Dollipur village of the Chamaraja Nagar Taluq Mysore District for the following reasons.

I That the Deputy Commissioner acted ultra vires in ousting the petitioners of the possession of the lands for which sagar-i-chit had been granted to them, by setting the sale of the said lands

II That the allegation of the Deputy Commissioner that there has been collusion, fraud and dishonest-

on the part of petitioners and the Lading officials is not supported by facts and is contrary to the legal maxim "fraud is hateful and not to be presumed" and "that which is odious and dishonest is not to be presumed" the allegation is not in conformity with the decision of the Chief Court in Civil appeal case No. 32 of 1891.

III That the Deputy Commissioner is not justified in saying that the petitioners obtained wrongful possession of the land as they entered upon the land after the Sagarali slit.

IV That the refusal of the Deputy Commissioner to award compensation to the petitioners in consideration of the large sum they have bonafide spent in cutting the trees &c is opposed to justice and equity

VI That the Survey superintendent has recommended the grant of the land to the petitioners as there were no other darkhastdars during the Survey and Settlement which shows that there was no fraud and dishonesty.

VII That it is contrary to the decisions of Government

to

to deprive the darkhastdars of the land on the ground that there has been irregularity in the procedure conducted by the authorities.

VIII. That the decision is contrary to law facts and probabilities of the case.

Therefore the petitioners most sub— missively request that orders may be passed not to disturbed the possession of the Darkhastdars.

Dated 16th February 95
Selamarajahagai

We beg to remain
Your most obedient
& humble Servants.

[illegible]

W.P. 123 19

Endorsement

In reply to this petition without date Shamala
Subramanya Iyer, Ramabhatt and Ramajetty
are informed that the 2nd sale was held
on 15th October 93 and was confirmed on
the 18th of the same month 3 days after sale
by the amildar, while under Rule 25 of
the Revenue code it is beyond his jurisdiction
and an ~~30 days~~ interval of sixty after sale is
necessary. His confirmation is thus illegal
and the Sagar ali chit issued thereunder is
Rule 29 does not therefore apply to this case

2 It is only a sale confirmed according
to rules that cannot be disturbed but
not such as are in direct violation of
them.

3 The reasoning that the sale cannot
be cancelled without a duly instituted
suit does not apply to the present case
Vide para 1 above.

4 Petitioners have in collusion with some
Talug officials had tried to defraud

grounds and deserve no consideration. The said proceeds will of course be refunded as the sale-have been cancelled. The purchasers have obtained wrongful possession of the lands and the proceeds to enable them to be in undue haste to strengthen their case and can claim no consideration.

The Sub Division officer called for information from the Amildar on 3rd November 93, on the application of Ramchandra within a month after the so called confirmation and issue of Sagar-ali's pass so that Rules 26 & 27 of the Revenue code are applied to this case the registration of the purchases was also irregular and contrary to rules.

6 When a second sale was ordered, the usual notice of 30 days ought to have been given as the arrears of Land revenue and a sale cannot be adjourned for more than 3 days vide para 3 of Rule XLI.

7 The merits of Ramaiah's complaint are immaterial and need not be considered.

8 The decision quoted in para 11 of the petition in favour of the petitioners, in consideration of the irregularity of the sale

Draft

Gen. 30.]

1895

From The Revenue Secretary to the Government of Mysore.

To The Deputy Commissioner Mysore Dt.

L. R. 104-94-4

Dated 24 December 95

Despatched 25

Received

General No. Nil

No. 1214

Enclosure No. One Ver: file & one petn with an Encl:

In returning herewith, for reference and re-submission, the records relating to the cancellation of Sale of Survey No 4 in Dolliput Chamarajnagar Taluk, together with petition No 2087 with dated 16-2-95 and its enclosures, received with his letter No 1106 dated 26th April 1895, has the honor to request (information on the following points:—

(1) Was the imputation of fraud to Chenkesavaiya

matter, enquired into and if so with what result?

2) What notice was taken of Chenkesavaraiya's conduct, and was the Guildai's conduct in allowing such important matters to be dealt with by his subordinate without his knowledge duly considered and noticed?

3) What has become of the land and what is its present condition

(4) Have the petitioners incurred any outlay in improving the land and what is the value of such improvement or the amount of the outlay?

2. The Lands should remain "status quo" till final disposal orders are passed on the petns before Govt

By order

21/12

Revenue Secretary

the Government pleader appears for the decree to be reversed from the foreclosure than altering the conditions of sale. There was no fraud alleged in that case while all the circumstances of the present case point to dishonesty and fraud on the part of all concerned. The petitioners are not thus entitled to any consideration for reviewing and no valid reasons exist for reversing the order setting aside the sale.

Mysore.
2nd December 1894.

Deputy Commissioner
Mysore District.

MM

MM-27-88

No. 574
Enclosures No. Petition No. 2087 and revenue record.

25

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 16th September 1896

(6)

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to your docket No. Pet. 1214 dated the 24th December 1895 (and reminders as per margin), returning the record relating to the cancellation of the sale of survey No. 4 in the Dollipur village of the Chamarajanagar taluk, and calling for further information on certain points, I beg to state as follows.

Pet 2190 dated the 29th June 1896.
Pet. 82 dated the 15th July 1896.

(i.) The imputation of fraud to Chennakéshaviah, the Revenue Gumasta of that taluk, was enquired into by the Amildar with the result that he was found guilty of misrepresenting facts.

(ii) As a punishment for his suspicious conduct, Chennakéshaviah was transferred from that taluk to the Hunsur taluk by the former Deputy Commissioner, and the sale of the land, in which Chennakéshaviah was found to have acted collusively with the applicants for the land, was cancelled by him. No

further notice of the matter was taken by that officer.

(iii). The land remains as Govt waste overgrown with shrubs even in the portions thereof cleared by the original purchasers.

(IV). In order to clear the land of its overgrowth, the purchasers are said to have spent about ~~Rs.~~ 150. But the actual outlay incurred by the parties may be less as no evidence has been furnished therefor by them.

2. No cultivation rec. is at present permitted in the land pending the final orders of Government.

3. The vernacular record relating to the case is herewith retransmitted together with the petition of Shama Row and others to Government.

I have the honor to be,

Sir,

Your most obed. servant,

Dy. Commissioner
of the Mysore District.

Compd.

Submitted with reference to the Revenue Commissioner's order on the 11th cons. by Govt. letter No. 11 dt. Date of 11th April 1895 — paper No. (3)

24

From

The Deputy Commissioner
of the Mysore District.

REVENUE 1896 DEPARTMENT
Gl. No. 223/
Fe No. 784
21 SEP 96
DEPUTY COMMISSIONER'S OFFICE

(6)

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

L. R. 104-94-5

Dated 16th
Despatched } September 1896.
Received

Enclosures No. Petition No. 2887 & Annexure record,

No. 574

Submitting further information relating to the cancellation of the sale of survey No. 4 in the Dalli village of the Hemavatipura taluk.

The order of the Govt. is correct. Under sub rule 25 of rule XX of the L.R. Rules the sale ought not to be confirmed till 30 days after the date it takes place. Here the Tahsildar accepted the bid only two days — Under sub rule 26 of the same rule the Asst. Commr. is empowered to confirm the sale subject to appeal under sub rule XIII of the rules. The Asst. Commr. has not confirmed the sale and has referred the matter to me for orders. I have addressed the Asst. Commr. to withdraw the reference and to confirm the sale. The Asst. Commr. has not yet done so. I have addressed the Asst. Commr. again

2 Encls

Proceedings of the Court of Wards

(8)

21

Read:-

L.R. 104-94-6. Correspondence ending with letter No 5,4 dated 16th September 1896 from the Dy Commr Bijapur District relating to the petition of Shamrao and 3 others of Chimmaraj nagar, praying for confirmation of the sale to them, of portions of survey No 4 of Bellipura Chimmaraj nagar Talukh.

Order No 6×64 of 96-97

(Re receipt of particulars, the land in question, which was an unassessed waste measuring about 4¼ Kandaes dry, was divided into 2 portions and was ordered to be sold by auction as there was a large number of trees on it, (namely 732, exclusive of 159 Sandalwood). The sale was held by the Sheristadar on 30th Sept 93 after publication of a Notification on 23rd August, but the Sheristadar considered the bids received, aggregating Rs 54-6-4, very low, and on the 4th Oct 93, he

1852
Rev. Records

ordered a fresh sale to be held
in the presence of the Sheristadar.
This officer held the sale on the 15th
Adar with the result that there
was an increase of Rs 1-6-0 in
the amount of bids, and the sale
was confirmed and dayuraki
chits were issued by the Amildar
on the 19th Adar. Sale proclamation
was however not given to the date
fixed for the second sale, a notice
sent by the Sheristadar on the 11th
Adar 1895 having been served on
the 14th Adar in the villages ~~each~~ namely Ukli mole & Ambhatriyamiatan (Dattipur being Bechirak), and
not in the Kabli and Pauk Kachas
where the principal shareholders
were stated to reside. There were
accordingly complaints and the
Amildar, on 25th November 1895,
issued a notice to the purchasers
desiring them to await the joint
orders of higher officers, and
submitted a report that a
Darkhast if some of the complainants
had not been brought to his
notice. That the Talati Jamadar
Chunilal Kesavlal had, without
his knowledge, obtained

his signature to the order of confirmation along with other papers submitted on his (Amildars) return to duty from leave, and that the said grounds seemed to have an interest in the sale held. The Govt Dpt Commr on personal inspection observed that the land was situated under a hala possessing all the advantages of wet cultivation, that the neighbouring land had fetched about Rs 100, and that the sale in question of the land was irregular. The Deputy Commr thereupon cancelled the sale as having been held and confirmed contrary to the provisions of paras 22 and 25 Section XX of the Revenue Rules, and ordered a fresh sale to be held in the presence of the Amildar. He further stated that the Sagirdi deeds granted by the Amildar should be regarded as temporary having effect upto the farmalaish

settlement. The petitioners, who are four of the purchasers, applied for a review of the order on the ground, among others, that the sale had been regularly held, that under para 29 of Rule XX, their possession should not have been disturbed without the order of Court, and that no order had been made in regard to the purchase money paid and the cost incurred to clear the jungle. ~~The Petitioners in the~~ discussing the application for ordering refund of the purchase money, ~~and [illegible] that the confirmation of the said sale [illegible] days after the date of the order which was sought to be reviewed, the order [illegible] that the [illegible] were therefore~~ that para 29 of Rule XX was not applicable to a sale confirmed in direct violation of Rules, and that the petitioners had in collusion

[illegible] common interest

[illegible] common interest

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collusion with some Talati Official defrauded Government and proceeded to cut down trees for sale without authority and were therefore not entitled to any compensation. Hence this appeal.

2. The Deputy Commissioner in his letter of the 16th September, 1916 states that, upon inquiry, Samadi Chenkeramma was found guilty of misrepresenting facts, and transferred to the Kanara District, and that the land remains as it was when encroachment with some trees cleared by purchasers.

3. The order of the Deputy Commissioner is correct. Under sub-rule 25 of Rule XX of the A.R. Rules, the sale ought not to have been confirmed till 15 days after the date of sale, and not within 15 days from the date of sale, as was done in this case. Here the interval allowed by the Rules was only three days. Under sub-rule 26 "applications granted by the Amildar are to be

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[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 1897

By order

[illegible]

Jr. Secretary

considered conditional pending
the disposal of the appeal
if any under chapter XII of
the Code?" The Dy Commr did
receive an appeal, and found
that Gunesha then tenant of
Zabu ~~[illegible]~~ had acted
fraudulently: Under the
circumstances the cancellation of the sale
was quite correct. But the
Dy Commrs ought not to
have restored possession of
the land without the sanction
of Govt under (Sub rule appended XX)
If the petitioners have incurred
any outlay before their possession
was restored absolute, it
was their own fault and Govt
cannot help them. Their
purchase money will be
refunded to them

Receipt

C2

Secretary

Compd
Keep
[illegible]

To The Deputy Commr Bijapur
Copy sent with the records

RJD/1

Noted [illegible] 28-1-97